

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 32695 of 2005(P)

PETITIONER:

P.OMMINI, S/O LATE PULLAN, AGED 92 YEARS,
RESIDING AT VETTUKULATHU KIZHAKETHIL VEEDU,
KALAYAPURAM (VIA), PULAMON, KOLLAM.

BY ADV. SRI.A.RAMACHANDRAN NAIR
SRI.R.SREERAJ

RESPONDENTS:

1. THE STATE OF KERALA, REP.BY SECRETARY TO GOVT.,
DEPARTMENT OF FINANCE (PENSION A), SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
3. THE ACCOUNTANT GENERAL(A&E), THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.M.P.PRAKASH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.32695 of 2005

Dated this the 12th day of February, 2007

JUDGMENT

The petitioner had approached this Court earlier praying for sanction and disbursement of family pension to him and for reckoning the period from 18.11.1977 to 31.3.1984 as period spent in service by his son who is no more. As per Ext.P1 judgment, this Court directed the respondents to grant arrears of family pension to the petitioner with effect from 14.4.2002, the date of death of his son, late Sudhakaran.

2. Government Pleader submits that orders have been passed granting the above benefit to the petitioner. The petitioner does not have any grievance on that score.

3. It is seen from the pleadings in this writ petition that yet another dispute arose between the petitioner and the respondents with regard to the payment of gratuity to be paid to the petitioner which was due to be paid to his deceased son. The

Director of Public Instructions issued Ext.P2 letter dated 13.10.2004 informing the petitioner that a sum of Rs.7,72,760/= has been quantified as the liability of his deceased son and that the above amount will be deducted from the gratuity due for payment. Against Ext.P2, the petitioner filed Ext.P3 objection on 14.12.2004. It is not understood whether any decision has been taken by the Director of Public Instructions after considering Ext.P3 objection. It is also not understood whether any final decision has been taken with regard to the period of service from 18.1.1977 to 31.3.1984 said to have been discounted by the respondents from the total service of late Sudhakaran.

4. Having considered the materials on record and having heard the counsel for the petitioner and the Government Pleader for the respondents, I feel that a quietus shall be given to the grievance of the petitioner by passing appropriate orders by the Director of Public Instructions, in view of the directions issued by this Court in paragraph 2 of Ext.P1 judgment and after considering the objections filed by the petitioner vide Ext.P3. The second respondent is directed to communicate the order passed

by that respondent in due compliance of the directions issued in paragraph 2 of Ext.P1 judgment and the decision taken pursuant to Ext.P2 letter and Ext.P3 objection regarding the amount quantified as liability. The above exercise shall be completed within two months from the date of receipt of a copy of the judgment. It is made clear that the second respondent shall adhere to the time limit fixed herein since the petitioner is very old and has, in fact, crossed the age of 95 years.

The writ petition is disposed of, accordingly.

K.K.DENESAN, JUDGE

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